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REMARKS

Claims 1-21 are currently pending in the above-identified patent application. Claims 1, 8 and 15 have been amended in response to the Examiner's Response to Arguments on page 1 of the subject Office Action. In the three claims, "zero or more component specific commands" has been amended to "one or more component specific commands." No new matter has been added by these changes, since the subject Specification, as originally filed, on lines 19-29 of page 4, states: "Figure 1 illustrates an embodiment **100** of the present invention showing a method for communicating with a device. A set of commands **102**, some of which have data **104** associated therewith are converted into a script file **108** that comprises a header and several actions. The script file may be read by a controller device **110** that is in communication with the target device **112**. The controller **110**, using the script **114**, can send commands **102** and data **104** to the device **112**." Clearly, in this embodiment of the present invention, the commands directly target a specific device with component-specific commands.

Moreover, the subject Specification, as originally filed, on page 5, lines 1-21, states: "In some cases, the devices such as the hard disk drives may require communication to be performed at a low level that is more cumbersome and complex than the standardized protocol. The controller **110** may not have the proper methods or capability of communicating with the device **112** on such a low level. ...The commands **102** and data **104** are prepared in an offline mode into a script file **108**. The script file **108** may be transmitted to the controller **110**. The controller **110** may interpret the script file **108** and cause the device **112** to be updated or whatever action is intended. By using an offline script generation mechanism, the controller **110** does not need to have the intelligence to communicate with the device **112** on a low level. The controller **110** only needs enough intelligence to read and execute the script file **108**." (emphasis added by applicants). Therefore, controller **110** directly executes the script file supplied to it.

Claims 1, 2, 4-6, 8, 9, 11-13, 15, 16 and 18-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0217358 by Thurston et al., since the Examiner stated that with regard to

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claims 1, 8, and 15, Thurston et al. teaches packaging a communication sequence into a script by a method comprising (paragraph 29), providing said communication sequence that is a specific set of actions and action data (paragraphs 34-39); for each of said actions, creating an action header comprising an action code and zero or more component specific commands (paragraphs 40-43), and creating an action payload comprising zero or more of said action data; transmitting said script to said controller (paragraphs 34-39); and communicating to said component of said system by running said script by said controller by a method comprising: providing said script to said controller (paragraphs 34-39); and for each of said action headers, executing a command corresponding to said action code (paragraphs 35-39 and 19-52), transmitting said zero or more component specific commands to said component (paragraphs 35-39 and 19-52), and transmitting said zero or more of said action data from said action payload to said component (paragraphs 35-39 and 19-52).

Dependent claims 2, 4-6, 9, 11-13, 16 and 18-20, were also rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0217358 by Thurston et al. Since applicants respectfully disagree with the Examiner concerning the rejection of claims 1, 8, and 15, under 35 U.S.C. 102(e) for the reasons to be set forth hereinbelow, and believe that these claims are patentably distinguishable over Thurston et al., applicants believe that no further response is required for the claims that depend therefrom.

Claims 3, 10, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent 6,789,157 to Lilja et al., since the Examiner stated that with regard to claims 3, 10, and 17, Thurston et al. teaches said method of packing said communication sequence further comprises: creating a header for said script (Paragraphs 40-43), said header comprising a checksum (Paragraph 42); and said method of communicating to said component further comprises: reading said header of said script (Paragraph 53), computing a computed checksum of said script (Paragraph 53), comparing said computed checksum to said checksum contained within said header of said script (Paragraph 53). However, the Examiner

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continued that Thurston et al. fails to teach a CRC, whereas Lilja et al. teaches that using a firmware update with a CRC instead of a checksum. The Examiner then concluded that it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the use of CRC of Lilja for the checksum of Thurston et al. in order to more completely check whether the firmware has been corrupted during transmission.

Claims 7, 14, and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in further view of U.S. Patent Application Publication 2002/0166027 to Shirasawa et al., since the Examiner stated that with regard to claims 7, 14, and 21, Thurston et al. fails to teach the firmware update script package being used to update a RAID controller, whereas Shirasawa et al. teaches said controller is a RAID controller (Paragraphs 8 and 9). The Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time of invention to use the firmware update script package of Thurston et al. for updating RAID firmware as taught by Shirasawa et al. in order to homogenize the ability of each of the hard disk units to increase process speed and decrease error occurrence.

Applicants respectfully disagree with the Examiner's rejection of claims 3, 7, 10, 14, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in view of other references for the reasons to be set forth hereinbelow.

Reexamination and reconsideration are requested.

Subject independent claims, 1, 8 and 15, as amended, in part recite the following: "1. A method for communicating to a component of a system controlled by a controller comprising: packaging a communication sequence into a script by a method comprising: ... creating an action header comprising an action code and one or more component specific commands ...; transmitting said script to said controller; and communicating to said component of said system by running said script by said controller by a method comprising: ... transmitting said one or more component specific commands directly to said component" (emphasis added by applicants). Similar recitations may be found in subject claims 8 and 15. Thus, the

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independent claims of the present invention require that component specific instructions are provided to a system controller to update a chosen component, as an example, the controller then transmits the one or more component specific commands to the component without requesting additional component specific commands.

Moreover, the subject Specification, as originally filed, on page 5, lines 1-21, states: "In some cases, the devices such as the hard disk drives may require communication to be performed at a low level that is more cumbersome and complex than the standardized protocol. The controller 110 may not have the proper methods or capability of communicating with the device 112 on such a low level. ...The commands 102 and data 104 are prepared in an offline mode into a script file 108. The script file 108 may be transmitted to the controller 110. The controller 110 may interpret the script file 108 and cause the device 112 to be updated or whatever action is intended. By using an offline script generation mechanism, the controller 110 does not need to have the intelligence to communicate with the device 112 on a low level. The controller 110 only needs enough intelligence to read and execute the script file 108." (emphasis added by applicants).

Thurston et al., by contrast, in Paragraph [0026] states: "Described implementations divide firmware updated operations into device-independent and device dependent steps. Implementations provide a device independent application coupled to a plurality of device dependent applications for updating firmware in hardware devices coupled to a computer system. The device independent application is an application that does not perform operations that are dependent on characteristics of the hardware devices coupled to the computer system. The device independent applications are applications that may contain operations that are dependent on characteristics of the hardware devices coupled to the computer system." In Paragraph [0069], Thurston et al. continues that: "The implementations provide a firmware update application for updating firmware on different types of hardware devices. The firmware update application comprises a device independent firmware update utility and a plurality of device dependent plug-in

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modules. The device independent firmware update utility initiates the update of firmware on a plurality of different types of hardware devices and requests device specific functions from device dependent plug-in modules. A different device dependent plug-in module may be provided for each type of hardware device. Thus the firmware update application separates device independent firmware update functions from device dependent update functions." Paragraph [0073] further provides that: "The implementations also enable an entity, such as an user or an automated program, to manually control the process of firmware update by modifying a list of hardware devices to update, where the list of hardware devices to update is presented to the entity by the firmware update application." Claim 1 of Thurston et al. further illustrates the teaching of a device independent firmware update utility: "A method for installing firmware, the method comprising: receiving a firmware image by a device independent application; and requesting a device dependent application to install the firmware image on at least one hardware device, wherein the at least one hardware device is determined by the device dependent application." Thus, Thurston et al. specifically requires the system controller to request a device dependent application to install a firmware image after receiving a firmware image by a device independent application, and does not directly execute changes to a target device as directed by the incoming script. Therefore, applicants respectfully believe that Thurston et al. teaches away from the present claimed invention, and cannot anticipate the present claimed invention.

Turning now to the rejection of dependent claims 3, 7, 10, 14, 17, and 21 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0217358 to Thurston et al. in view of other references, since applicants believe that Thurston et al. teaches away from the present claimed invention and, in particular independent claims 1, 8, and 15, applicants believe that the Examiner has not made a proper *prima facie* case for obviousness as is required under 35 U.S.C. 103(a) because there would be no motivation to combine Thurston et al. with these references.

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In view of the discussion presented hereinabove, applicants believe that subject claims 1-21, as amended, are in condition for allowance or Appeal, the former action by the Examiner at an early being earnestly solicited.

Reexamination and reconsideration are respectfully requested.

Respectfully submitted,

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